

502 KAR 5:020. Code of ethics.

RELATES TO: KRS 11A.015, 16.080(1), 16.140

STATUTORY AUTHORITY: KRS 16.080(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 16.080(1) requires the Commissioner of the Department of State Police to promulgate an administrative regulation for the conduct of officers of the department. This administrative regulation establishes the Kentucky State Police Code of Ethics.

Section 1. Definitions. (1) "Conflict of interest" means that an officer's private interests conflict with the officer's impartial conduct of official duties and responsibilities in accordance with Section 3 of this administrative regulation.

(2) "Department" is defined by KRS 16.010(7).

(3) "Officer" is defined by KRS 16.010(4).

(4) "Related party" means the spouse, parent, parent-in-law, sibling, sibling-in-law, child, or cohabitant of an officer.

(5) "Retailer" means the owners of an interest or beneficial interest in a retailer or applicant to be a retailer, and their immediate family, partners, officers, directors, employees, agents, and affiliates.

(6) "Vendor" means a person or entity the employee has reason to believe may supply or seek to supply goods or services to the department or other law enforcement agencies.

Section 2. Officer Oath. An officer shall adhere and abide by the Officer Oath, which is incorporated by reference, and the provisions of this administrative regulation.

Section 3. Conflict of Interest. (1) General statement. An officer shall:

(a) Be free from any interest, influence, or relationship that might conflict, or appear to conflict, with the best interests of the department;

(b) Perform the officer's work in accordance with the highest standards of law and ethics and with the goal of avoiding the appearance of impropriety in all actions; and

(c) Avoid an activity or association, whether on or off duty, that knowingly creates an actual or perceived conflict of interest with the conduct of official duties.

(2) General obligations of an officer. An officer shall:

(a) Avoid the appearance that preferential treatment is being given to a person or entity;

(b) Disqualify himself or herself from the investigation of a criminal complaint, motor vehicle accident, civil complaint or other official investigation or duty that involves a relative or close associate in circumstances in which the officer's impartiality or objectivity could be questioned;

(c) Fully comply with all applicable statutory and regulatory provisions;

(d) Disclose fully and immediately any interest which:

1. The officer or the officer's related party has at the time of hiring or during employment; and

2. Creates, or may appear to create, a possible conflict of interest with the department or this section;

(e) Immediately notify the department of the existence of a conflict of interest and take the steps recommended by the department to eliminate the conflict of interest;

(f) Not accept a gift or other thing of value in violation of this administrative regulation; and

(g) Advise the officer's supervisors, human resources branch, or legal counsel of a possible conflict of interest and take the steps recommended by the department to eliminate the conflict of interest.

(3) Relationship with retailers and vendors of the department.

(a) An officer shall disclose the full details concerning an interest or relationship if the officer or officer's related party receives compensation from, obtains goods or services from, or owns or acquires, directly or indirectly, an interest or beneficial interest in a retailer or applicant to be a retailer or vendor.

(b) An officer in a position to influence decisions with respect to a department transaction involving a retailer or vendor shall abstain from a decision involving the retailer or vendor if the officer or officer's related party individually or aggregately owns five (5) percent or more of the equity or beneficial interest in the retailer or vendor.

(c) An officer shall not own a financial interest in a vendor that is a party to, or seeks to become a party to, a procurement contract with the department.

(d) An officer shall not provide goods or services to a third party during the officer's normal work hours.

Section 4. Filing Receipt and Disclosure Forms. An officer shall file a completed Form KSP-107, Receipt and Certification Form, with the human resources branch to:

(1) Acknowledge that the officer has an interest which might create a potential conflict of interest; or

(2) Affirm that the officer does not have an interest which creates a potential conflict of interest.

Section 5. Financial Disclosure. (1) A director of the Kentucky State Police shall file a completed Statement of Financial Disclosure with the Human Resources Branch Commander, with a copy forwarded to the Executive Branch Ethics Commission, by April 15 of the following year.

(2) If a director does not remain with the department for the entire calendar year, the director shall file the statement for the portion of the calendar year that he was employed by the department within thirty (30) days after separation.

Section 6. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) Officer Oath, 11/2002;

(b) Form KSP-107, Receipt and Certification Form, November 2002; and

(c) Statement of Financial Disclosure, Rev. 092200.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Custodian of Records, Kentucky State Police Headquarters, 919 Versailles Road, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (28 Ky.R. 2752; Am. 29 Ky.R. 2092; eff. 2-16-03.)